

regular session, relating to the employment of stenographers by the Courts of Civil Appeals."

And find the same correctly enrolled.

TERRELL, Chairman.

ENGROSSING DEPARTMENT.

Committee Room,

Austin, Texas, Feb. 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate substitute bill No. 49, being "An Act to prescribe when the defense of assumed risk shall not be available when interposed by a person, firm, corporation or receiver, or lessee, operating or carrying on any business, calling or occupation requiring the use of machinery of any kind, in any suit for damages that may be prosecuted under the laws of this State for the death or personal injury of any employee."

And find the same correctly engrossed.

BARRETT, Chairman.

THIRTIETH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, Feb. 22, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Grinnan:

To the Senate of the State of Texas:

Gentlemen: We, citizens of Erath, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

Numerously signed.

Also Senator Grinnan offered a like petition from the citizens of McCulloch county, and

Senator Terrell offered a like petition from citizens of Marion county.

By Senator Beaty:

Hon. J. T. Beaty, Austin, Texas:

Dear Sir: We, the undersigned druggists and doctors, residing at Nacogdoches, Texas, respectfully ask that you vote against and use your best efforts to defeat House bill No. 376, which if passed would require all patent medicine houses (manufacturers) to print their formula on each bottle of their medicines.

This would cause the withdrawal from Texas of many of the largest patent medicine manufacturers. It would put many of the Texas enterprises out of business and be a great loss to the wholesale and retail drug business throughout the entire State. It would also mean the loss of thousands of dollars in advertising to the newspapers of Texas.

STRIPLING, HASELWOOD & CO.

PERKINS, KUAS & MAST.

M. R. KUAS.

R. E. KUAS, Prescription Clerk.

R. C. SHINDLER, Druggist.

THOS. E. BAKER.

W. T. SMITH.

SAM STRIPLING.

W. U. PERKINS.

By Senator Faulk:

Corsicana, Tex., Feb. 15, 1905.

Whereas, There is now pending in the Legislature of the State of Texas a bill aimed to prohibit railroads of said State from issuing free passes; and, whereas, in the form the said bill passed the Honorable Senate of the State we deem it a death blow to the State Fireman's Association of Texas, and in which Association this department holds membership.

Said Association is an organization whose aims are solely for the public good, and without personal pecuniary rewards expected or possible, being a non-political and non-partisan organization and the most beneficial assistance to the various local volunteer fire departments within the State. And as such an important and beneficial adjunct has been recognized and encouraged by the public-spirited

railway managements of this State to the extent that they grant free transportation to and from the annual conventions of said Association, therefore be it

Resolved, That the Corsicana Fire Department, in mass meeting assembled, convey to your Honorable State Senator and Representatives in the Senate and Legislature these resolutions as a full view and expression of this department as one of the reasons why the present anti-free pass bill passed by the Honorable Senate and now before the Honorable House of Representatives, should not become a law; and that we respectfully ask and request our representatives to use their every effort to have an amendment passed to said anti-free pass bill that will exempt from the operation of said bill the members of the said State Fireman's Association of Texas.

The above resolutions were on February 15, 1905, unanimously adopted by the Corsicana Fire Department, with instructions to furnish our Honorable State Senator and Representatives with a copy of these resolutions.

Respectfully,

RUBE FREEDMAN,
Chief of Corsicana Fire Dept.

A. B. JOHNSON, Secretary.

The Chair laid before the Senate the following:

Dallas, Texas, Feb. 20, 1905.

To the Hon. President of the Senate,
Austin, Texas.

Dear Sir: I have the honor to enclose herewith, as directed, copies of resolutions adopted by the County Judges and Commissioners' association in convention at Fort Worth. Yours truly,

F. T. WOODWARD, Sec.

Whereas, Under the present provisions of our probate law relative to annual reports of guardians, it is necessary for such reports to be filed for more than ten days before court meets in order that notice thereof may be given, and is then required to be continued one term by operation of law; and

Whereas, If said report be not filed in time for notice, it is then necessary to continue one term for notice and another by operation of law, frequently resulting in a delay of six months after filing the report before it can be acted upon finally; therefore be it

Resolved, That it is the sense of this convention that the law should be so amended as to make it unnecessary to continue such reports by operation of law, but permit the court to take final action thereon at any regular term after ten days' notice has been given, as now required.

Be it further resolved, That a copy of this resolution be forwarded by the secretary to the President of the Senate and Speaker of the House, with a request that they present same to the proper committees to prepare a bill carrying out this resolution.

Whereas, In many of the counties of the State the jury fund is inadequate to meet the necessities for jury purposes; therefore be it

Resolved, by this association, that we favor the resolutions offered by Bennett, Shelby and others, providing for submitting a constitutional amendment to the people of Texas, providing for the levying of a tax not to exceed 15 cents on the \$100 valuation of property.

That it is the sense of this association that such amendment be so framed that such tax can not be applied to other purposes than that for which it is collected.

Whereas, The State and counties are losing thousands of dollars of taxes due on personal property due from non-residents by reason of the failure of the statute to fix the venue of suits brought to collect such taxes in the county in which said taxes are due; therefore be it

Resolved, That this convention petition and pray our senators and representatives to so amend Article 5212a of the Revised Statutes as to fix the venue of all suits brought by district and county attorneys for the collection of taxes due by non-residents on personal property in the county to which said taxes are due, and that a copy of these resolutions be forwarded to said legislators.

Whereas, It is a fact that most of the property in the State of Texas is assessed for taxes at less than two-thirds of its fair value, and much of said property is assessed for taxes at less than one-half of its fair value; therefore be it

Resolved, by the County Judges and County Commissioners in convention assembled, That we most respectfully petition our honorable Legislature for the enactment of such law as will provide for a State Board of Equalization, and compel the assessment of all property at its fair value, to the end,

(1) That every piece of property subject to taxation shall bear its just proportionate share of the burdens of government, and

(2) That the rate of taxation may be lowered rather than raised.

Be it further resolved, That the secretary furnish a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives.

Whereas, There are now confined in the county jails of our State a large

number of lunatics who can not now be admitted to the asylums of the State because of the crowded condition of these institutions; therefore be it

Resolved, by this association, That we most earnestly request the Legislature now in session to make further provision for the care and treatment of these unfortunates.

Whereas, There is no provision made by our State for the care of idiots and imbeciles; therefore be it

Resolved, That the Legislature be petitioned to make an appropriation for the establishment of an institution for this purpose, and that a copy of this resolution be forwarded to the Legislature.

Whereas, The County Judges and Commissioners' Association assembled in convention at Fort Worth for the purpose of considering, among other things, the betterment of public or county roads of the State; and,

Whereas, It appears to this body that a bill or law enacted by the Legislature permitting a subdivision of a county to vote a special road tax would be of public benefit; therefore be it

Resolved, That we favor the enactment of such a law as will enable a subdivision of a county to vote a special tax or bonds for road improvement, and request our representatives in the Senate and House to give us such a law, believing same to be authorized by the recent constitutional amendment permitting such tax for internal improvements.

Whereas, Under our probate laws much unnecessary delay frequently occurs in the opening of estates and appointment of administrators and guardians; and,

Whereas, This delay sometimes causes much trouble and frequently great hardships; therefore be it

Resolved, that our Representatives and Senators in the Legislature of the State of Texas be requested to cause the probate laws of the State to be so amended that upon application of appointment of an administrator of an estate or guardianship of an estate of minors, etc., that it shall be the duty of the county court to immediately issue and cause to be posted in three public places in the county notices of said application, and that after the publication thereof for ten days, if no opposition be filed to said application, the county judge shall in chambers appoint said application in the same way as administrators or guardians are now appointed in term time.

Resolved, further, That a copy of this resolution be sent to the Speaker of the House, President of the Senate and chairman of Judiciary Committee No. 1 in both houses.

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Davidson:

Senate bill No. 236, a bill to be entitled "An Act to amend Article 899 of the Penal Code of the State of Texas of 1895, so as to require the butchers of Karnes county, Texas, to give bond as required by law."

Read first time and referred to Judiciary Committee No. 2.

By Senator Skinner:

Senate bill No. 237, a bill to be entitled "An Act to amend Section 1 and Section 14 and Section 15 and Section 16 and add Section 17, containing the emergency clause, to Chapter 110 of the Acts of the Twenty-fifth Legislature, entitled," etc.

Read first time, and referred to Judiciary Committee No. 1.

By Senators Stafford, Decker, Holland and Davidson:

Senate bill No. 238, a bill to be entitled "An Act to compel the nomination of all candidates for all offices in all cities and towns in this State by primary election in accordance with the provisions of an act of the Twenty-eighth Legislature, entitled 'An Act to regulate elections and to prescribe penalties for its violation,' passed and approved April 1, 1903, to define the term 'political party' as used in said act, and to provide a method of organizing a political party within the meaning of the act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson:

Senate bill No. 239, a bill to be entitled "An Act to require railroad companies who shall accept any special law passed at this or any future session of the Legislature of the State of Texas to carry free of charge members of the Legislature, certain State officials and sheriffs."

Read first time and referred to Committee on Internal Improvements.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature.

Austin, Texas, Feb. 22, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 397, a bill to be entitled "An Act to amend an act passed by the Twenty-eighth Legislature, to create the Sixty-second Judicial District of Texas, and giving the judge of the Sixty-second Judicial District power to empanel the grand jury whenever he thinks it necessary, and

to have cognizance of civil and criminal cases, and to have power to summon and empanel juries in all cases in Delta county, and declaring an emergency," with engrossed rider.

House bill No. 437, a bill to be entitled "An Act to create a more efficient road system for Colorado county, Texas."

House bill No. 374, a bill to be entitled "An Act to create a more efficient road system for Smith county, Texas."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

House bill No. 397, referred to Judicial Districts.

House bill No. 437, referred to Judicial Districts.

House bill No. 374, referred to Judicial Districts.

SENATE BILL NO. 134—PASSAGE OF.

The Chair laid before the Senate on second reading,

Senate bill No. 134, a bill to be entitled "An Act to repeal all of Articles 1010c, 1010d, 1010e, 1010f, 1010g and 1010h, Title XVIII, Chapter 13, of the Revised Civil Statutes of Texas."

Bill read second time and ordered engrossed. On motion of Senator Glasscock, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—21.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.

Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Senator Glasscock moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 211—PASSAGE OF.

On motion of Senator Stafford the special order of business, Senate bill No. 169, was suspended, and the Senate took up, out of its order, Senate bill No. 211.

The Chair laid before the Senate on its second reading,

Senate bill No. 211, a bill to be entitled "An Act to amend Chapter 2, Title XXI, of the Revised Statutes of the State of Texas, by adding thereto Article 650b, authorizing incorporation for two or more distinct purposes and separate franchise tax for each purpose, and with an emergency clause."

Senator Harper offered the following amendment:

Amend the bill by inserting the word "ice" after the word "gas" in line 18, page 1.

Senator Decker offered the following substitute for the amendment:

Amend the bill by striking out the word "gas," line 18, page 1, and insert in lieu thereof "ice."

The substitute was adopted, and the amendment as substituted was then adopted.

Senator Terrell offered the following amendment:

Amend the bill by adding to Article 650b the following: "The provisions of this act shall not apply to cities of over ten thousand inhabitants."

The amendment was adopted.

Senator Faulk offered the following amendment:

Amend line 22 by erasing the word "a" and inserting the word "the" in lieu thereof, and strike out the words in lines 22 and 23, "of ten dollars" and insert in lieu thereof the following: "As provided by law."

The amendment was adopted.

Senator Glasscock offered the following amendment:

Amend by striking out, in line 19, page 1, the following after the word "public" the words "the manufacture and sale of ice."

Senator Hawkins offered the following amendment to the amendment:

Amend the amendment by adding

after the words "provided by law" the words "or as may be provided by law."

The amendment to the amendment was lost, and

The amendment was then adopted.

Bill read second time and ordered engrossed.

On motion of Senator Stafford the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Beaty.	Hicks.
Davidson.	Holland.
Decker.	Looney.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—1.

Brachfield.

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—20.

Beaty.	Hicks.
Davidson.	Holland.
Decker.	Looney.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—1.

Brachfield.

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Senator Stafford moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 139—MADE SPECIAL ORDER.

The Chair laid before the Senate, on its second reading and as special order,

Senate bill No. 139, a bill to be entitled "An Act to regulate the sale, barter, transfer or advertisement of railroad tickets, passes or other evidences of the holder's right to travel on any railroad within this State, and restricting such sale, barter, transfer or advertisement to the duly authorized agents of the railroad company issuing or selling the same; to provide for the redemption of such tickets, or unused portions thereof; to prohibit the sale, barter, transfer or advertisement for sale, barter, transfer or purchase of any railroad tickets, passes or other evidences of the holder's right to travel on any railroad within this State by any person, firm or corporation, except the duly authorized agents of the railroad company issuing or selling the same; to provide penalties for the violation of the provisions of this Act, and to repeal all laws in conflict herewith."

On motion of Senator Hicks, further consideration of the bill was postponed until tomorrow (Thursday) week, and made a special order to follow all other special orders.

SENATE BILL NO. 100—RECOMMITTED.

On motion of Senator Beaty, the special order of business (Senate bill No. 159) was suspended, and the Senate took up, out of its order, Senate bill No. 100.

Senate bill No. 100, a bill to be entitled "An Act to amend Article 680, of Chapter 5, Title XXI, of the Revised Statutes of 1895, concerning the dissolution of corporations."

Senator Beaty moved to recommit the bill to Judiciary Committee No. 1.

The motion was adopted.

SENATE BILL NO. 159—MADE SPECIAL ORDER.

The Chair laid before the Senate, as special order, on second reading,

Senate bill No. 159, a bill to be entitled "An Act regulating the sale of concentrated commercial feeding stuffs, defining concentrated feeding stuffs, prohibiting the adulteration and providing for the collection of samples, the expenses of the enforcement of the law, and fixing penalties for its violation."

On motion of Senator McKamy, the bill was postponed till next Tuesday morning after morning call.

SENATE BILL NO. 47—PENDING.

The Chair laid before the Senate, on second reading, as special order,

Senate bill No. 47, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway company to purchase the railroads and all other property of the Cane Belt Railroad company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway company of the railroad and other properties of said other company."

On motion of Senator Davidson, the committee report, with amendments, was adopted.

Senator Davidson moved to reconsider the vote by which the committee report was adopted, and lay that motion on the table.

Senator Hawkins offered an amendment, but the Chair did not recognize him on account of the previous motion, and

Senator Glasscock called the attention of the Chair to Senate rule No. 21, and the Chair sustained the point of order, and

Senator Hawkins offered the following amendment:

Amend the bill by striking out after the word "thereby," in Section 6, the following:

"Provided, that the said Gulf, Colorado and Santa Fe Railway company shall, in addition to the conditions of said bill hereinbefore stated, be required to carry free of charge over its lines all members of either branch of the Legislature of the State of Texas, the Governor, Lieutenant Governor, Attorney General, State Treasurer, State Comptroller, Commissioner of the General Land Office, Superintendent of Public Instruction, Commissioner of Insurance, Statistics and History, and members of the Railroad Commission, each for the time which said parties shall respectively hold a commission as officers of the State of Texas as above named.

"Said officers shall need no further evidence of their right to said free transportation other than to present their certificates of election properly certi-

fied by the Secretary of State of the State of Texas.

"And in addition to the foregoing requirements they shall carry free of charge all sheriffs of the State of Texas, and said sheriffs shall need no other evidence of their right to said free transportation than the certificates of their election duly certified by the county judge and commissioners court of the county of which he is sheriff."

Pending.

(Senator Willacy in the Chair.)

Senator Davidson moved to table the amendment, and

The motion to table was lost by the following vote:

Yeas—10.

Davidson.	Hicks.
Decker.	McKamy.
Faust.	Stafford.
Hanger.	Stone.
Harper.	Willacy.

Nays—11.

Beaty.	Holland.
Brachfield.	Loney.
Faulk.	Skinner.
Glasscock.	Smith.
Grinnan.	Terrell.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Question then being on the amendment, and on that motion Senator Davidson moved a call of the Senate.

The motion being duly seconded, the roll was ordered called, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

ABSENTEES—NOT EXCUSED.

Senators Barrett, Chambers, Griggs, Hale, Harbison, Martin, Meachum, Paulus and Stokes.

MOTION TO EXCUSE ABSENTEES
—LOST.

Senator Terrell moved to excuse the absentees, and the motion was lost by the following vote:

Yeas—11.

Brachfield.	Holland.
Faulk.	Looney.
Glasscock.	Skinner.
Grinnan.	Smith.
Harper.	Terrell.
Hawkins.	

Nays—10.

Beaty.	Hicks.
Davidson.	McKamy.
Decker.	Stafford.
Faust.	Stone.
Hanger.	Willacy.

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

SENATE BILL NO. 17—PENDING.

The Chair laid before the Senate, as special order, on second reading,

Senate bill No. 17, a bill to be entitled "An Act to inhibit owners, managers and lessees of billiard halls and tenpin and bowling alleys, and their clerks and employees, from permitting persons under twenty-one years of age to play in any game of billiards or pool, or roll upon any tenpin or bowling alley, or permit them to enter and remain in such place of business, whether intoxicating liquors are sold therein or not, and to provide a penalty for a violation of this act."

Senator Hicks offered an amendment to strike out the enacting clause of the bill, and

Pending discussion of the bill Senator Hicks withdrew his amendment and offered the following amendment:

Amend by inserting after the word "business" in line 20, the following: "After being notified in writing by the parent or guardian of such minor not to permit such minor to enter and remain in such place of business."

The amendment was adopted.

Senator Terrell moved to reconsider the vote by which the amendment was adopted, and while speaking to that motion,

Senator Decker raised the point of order that Senator Terrell voted against the amendment, and under the Senate rule was not allowed to move to reconsider.

The Chair overruled the point of order.

The motion to reconsider the vote was adopted by the following vote:

Yeas—11.

Brachfield.	Hawkins.
Faulk.	Holland.
Glasscock.	Looney.
Grinnan.	Smith.
Hanger.	Terrell.
Harper.	

Nays—10.

Beaty.	McKamy.
Davidson.	Skinner.
Decker.	Stafford.
Faust.	Stone.
Hicks.	Willacy.

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Question then being on the amendment,

Senator Terrell offered the following substitute amendment:

I offer the following substitute for the amendment:

"Provided that this act shall not apply when a parent or some one in loco parentis consents in writing that any minor may enter, remain or play in any such places or at any such games, nor when a parent or any one in loco parentis accompanies any minor to any such place, or is present when the games are played."

Senator Hicks moved to table the substitute.

The motion to table was adopted by the following vote:

Yeas—11.

Beaty.	McKamy.
Decker.	Skinner.
Faust.	Stafford.
Grinnan.	Stone.
Hanger.	Willacy.
Hicks.	

Nays—10.

Brachfield.	Hawkins.
Davidson.	Holland.
Faulk.	Looney.
Glasscock.	Smith.
Harper.	Terrell.

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Question being on the amendment, and on that motion Senator Hicks moved a call of the Senate, the motion being duly seconded, the roll was ordered called, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

ABSENTEES—NOT EXCUSED.

Senators Barrett, Chambers, Griggs, Hale, Harbison, Hill, Martin, Paulus, Stokes.

SENATE BILL NO. 113—ON THIRD READING.

On motion of Senator Looney, the pending order of business was suspended, and the Senate took up, out of its order, Senate bill No. 113.

The Chair laid before the Senate, on third reading,

Senate bill No. 113, a bill to be entitled "An Act to amend Title XXII, Article 750, of the Revised Civil Statutes of Texas, relating to counter claims, providing that where the defendant pleads any counter claim, the plaintiff shall take notice thereof, and no citation thereon shall be necessary."

The bill was read third time and passed.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 122—PAS-SAGE OF.

On motion of Senator Decker, the pending order of business (Senate bill No. 169) was suspended, and the Sen-

ate took up, out of its order, Senate bill No. 122.

The Chair laid before the Senate, on second reading,

Senate bill No. 122, a bill to be entitled "An Act to change and prescribe the time for holding district courts in the Thirty-first Judicial District of this State, to conform all writs and processes from such courts to such changes, and to repeal all laws in conflict herewith."

Senator Decker offered the following amendment:

Amend the bill by adding after line 10, page 1, the words: "And declaring an emergency."

The amendment was adopted.

Bill read second time and ordered engrossed.

On motion of Senator Decker, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

The bill was read third time and passed by the following vote:

Yeas—21.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE BILL NO. 99—ON THIRD READING.

On motion of Senator Hicks, the pending order of business (Senate bill No. 169) was suspended, and the Senate took up, out of its order, Senate bill No. 99.

The Chair laid before the Senate, on its third reading,

Senate bill No. 99, a bill to be entitled "An Act to fix the venue of suits in behalf of the State upon bonds or other obligations payable to the State or to the Governor of the State and which are for the use and benefit of the State, and to authorize such suits to be brought in any county in which the defendants or either of them reside, or in the county of Travis."

The bill was read third time and passed.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 374—PAS- SAGE OF.

On motion of Senator Stafford the pending order of business (Senate bill No. 169) was suspended, and the Senate took up, out of its order, House bill No. 374.

On motion of Senator Stafford the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering the bill, by the following vote:

Yeas—21.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

On motion of Senator Stafford the committee report was adopted.

The Chair laid before the Senate, on its second reading,

House bill No. 374, a bill to be entitled "An Act to create a more efficient road system for Smith county, Texas."

Bill read second time, and passed to a third reading.

On motion of Senator Stafford the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

The bill was read third time and passed by the following vote:

Yeas—21.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Senator Stafford moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE BILL NO. 86—PASSAGE OF.

On motion of Senator Hicks the pending order of business, Senate bill No. 169, was suspended, and the Senate took up, out of its order, Senate bill No. 86.

The Chair laid before the Senate on third reading,

Senate bill No. 86, a bill to be entitled "An Act to amend Articles 146 and 152, of Chapter 2, Title IX, of the Revised Statutes of the State of Texas, so as to provide for monthly meetings of the Boards of Trustees of the State Asylums, and allow pay therefor."

The bill was read third time and passed by the following vote:

Yeas—15.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	McKamy.
Decker.	Skinner.
Faulk.	Stafford.
Faust.	Stone.
Glasscock.	Willacy.
Grinnan.	

Nays—6.

Hanger.	Looney.
Harper.	Smith.
Hawkins.	Terrell.

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Senator Davidson moved to reconsider the vote by which the bill was passed, and spread that motion on the Journal.

The motion prevailed.

SENATE BILL NO. 46—PENDING.

On motion of Senator Glasscock, the pending order of business (Senate bill No. 169) was suspended, and the Senate took up, out of its order, Senate bill No. 46.

The Chair laid before the Senate, on second reading,

Senate bill No. 46, a bill to be entitled "An Act to amend Article 2159, Title XXXIX, Chapter 25, of Revised Civil Statutes."

The committee report recommended a substitute for the bill, and Senator Glasscock moved its adoption.

Pending the reading of the committee substitute, on motion of Senator Brachfield, the same was dispensed with.

HOUSE BILL NO. 14—MADE SPECIAL ORDER.

On motion of Senator Hawkins, House bill No. 14 was made a special order for tomorrow morning.

ADJOURNMENT.

Senator Smith moved that the Senate adjourn till tomorrow morning at 10 o'clock, and in doing so that it be to the memory of the birth of the Father of our Country, George Washington.

APPENDIX A.

COMMITTEE REPORTS.

JUDICIARY COMMITTEE NO. 1

Committee Room,
Austin, Texas, Feb. 21, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 207, a bill to be entitled "An Act to amend Article 996, of Chapter 13, Title XXVII, of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 137, a bill to be entitled "An Act to amend Article 1011 of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 224, a bill to be entitled "An Act to prohibit the granting or use for railway purposes any part of the tract of land in the city and

county of Galveston, Texas, acquired by that county or the commissioners court thereof for sea wall purposes."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

COMMITTEE ON CITY AND TOWN CORPORATIONS.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 205, a bill to be entitled "An Act to amend Section 92 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, as amended, and to repeal all laws or parts of laws in conflict therewith, and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 206, a bill to be entitled "An Act to amend Section 91 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, as amended by an act of the Twenty-seventh Legislature entitled 'An Act to amend Sections 91, 93 and 176 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, and to repeal all laws or parts of laws in conflict therewith, and declaring an emergency,'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 214, a bill to be entitled "An Act to amend the charter of the city of Galveston by amending Sections 7, 35, 40, 70 and Subdivisions (g) and (i) of Section 19, thereof, and by adding thereto Section 71a,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amending the caption of the bill by inserting after the word "Sections," on the second line, and between the word "Sections" and the number "35" the figure "7."

Amend Section 1 of the bill by inserting after the word "Sections," and between the word "Sections" and the number "35," the figure "7."

Amend the bill by adding after the word "towit" by inserting the following:

Sec. 7. Said mayor and commissioners shall collectively constitute and be known as the board of commissioners of the city of Galveston. They shall take an oath to faithfully perform the duties of their said office, and each shall receive as compensation for his said services the sum of twelve hundred (\$1200) dollars per annum, payable in equal monthly installments, except that the president of said board shall receive a salary of two thousand (\$2000) dollars per annum, payable in equal monthly installments, and said president shall devote at least six hours a day to the duties of his office and to the affairs of said city.

BEATY, Chairman.

STOCK AND STOCK RAISING.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

Senate bill No. 222, a bill to be entitled "An Act to amend Chapter 86, page 113, of the Acts of the Twenty-eighth Legislature, being an Act to protect stock raisers and farmers, and providing for the destruction of wolves and other wild animals; to require the commissioners courts of the several counties of this State, not herein spe-

cially exempted, to pay for the killing of such wolves and other wild animals, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

PUBLIC BUILDINGS AND GROUNDS.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 161, a bill to be entitled "An Act to set aside certain rooms in the Capitol Building for the use of the Department of Public Health and Vital Statistics, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

ROADS, BRIDGES AND FERRIES,

Floor Report.

February 22, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 374, a bill to be entitled "An Act to create a more efficient road system for Smith county, * * * etc.

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, but not printed.

GRINNAN, Chairman.

PUBLIC LANDS AND LAND OFFICE.

Committee Room.

Austin, Texas, Feb. 22, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Land and Land Office, to whom was referred House bill No. 87, a bill to be entitled "An Act to amend Sections 1, 3 and 4, of Chapter 97, page 127, Acts of the regular session of the

Twenty-eighth Legislature, authorizing the sale of certain portions of the public free school, University and asylum lands to railroad companies owning, operating or constructing railroads in this State for the location and establishment of town sites, depots, stations, yards, roundhouses, shops, divisional terminals or water stations, and to prescribe the terms and conditions of such sale, to authorize the Commissioner of the General Land Office or the Board of Regents of the State University, as the case may be, to fix the price of such lands when sold for such purposes,"

Have had the same under consideration, and I am instructed to report to the Senate with the recommendation that it do pass.

DECKER, Acting Chairman.

THIRTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Thursday, Feb. 23, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll call, no quorum present, the following Senators answering to their names:

Beaty.	Harper.
Brachfield.	Hawkins.
Decker.	Hicks.
Faulk.	Holland.
Faust.	Looney.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.

Absent.

Barrett.	McKamy.
Chambers.	Meachum.
Davidson.	Paulus.
Hale.	Stafford.
Hill.	Stokes.
Martin.	

There being no quorum, Senator Hanger moved a call of the Senate for the purpose of securing a quorum. The call was duly seconded and the roll was called, the following Senators answering to their names:

Beaty.	Harper.
Brachfield.	Hawkins.
Decker.	Hicks.
Faulk.	Holland.
Faust.	Looney.
Glasscock.	Skinner.
Griggs.	Smith.